

**CHARTER TOWNSHIP OF BANGOR
ZONING BOARD OF APPEALS**

MINUTES OF MAY 15, 2018 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 15th day of May, 2018 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Covaleski, DeShano, Phelps

MEMBER (S) ABSENT: Corrion

Mr. Banaszak called the meeting to order at 6:00 p.m.

The first item on the agenda was approval of minutes of the April 17, 2018 regular meetings. Ms. Covaleski moved to approve the minutes of the April 17, 2018 regular meeting. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays. The motion passed.

The next item on the agenda was a petition filed by Gene Jacobs for vacant property on Killarney Beach Road which is on the West side of Killarney Beach for the purpose of a variance to permit an accessory building with no primary structure, a variance of 1,007 square feet to be 1,320 square feet (313 square feet is allowed), a variance of 2' to be 3' for a side yard setback (5' is required) and a rear yard variance of 5' to be 5' (10' is required) for a 30'x44' pole barn. Parcel is zoned Residential-2.

The Department of Water and Sewer takes no exception to the petition.

The Fire Marshal had no comment.

Jim Lillo from the Bay County Road Commission wrote they do not have any objection to the petition. Based on the plan submitted, review of the site per the Bay County Planning Department's current aerials, the proposed accessory building will be well away from the roadway and will have virtually no impact on BCRC maintenance activities. The petitioner will need to secure a permit from the BCRC if they plan to construct a driveway between the accessory building and the road edge.

Mr. Jacobs stated his request was same as his previous approval but he would like the building on the middle lot. The ground is higher and he won't have to deal with the storm sewer. The location is also farther away from the neighbors.

There was no one in the audience for or against the request.

Mr. Phelps stated the request is for 120 square feet more than what was approved last time. Mr. Jacobs explained he outlined the building and tried to fit all the items he wanted to store in the outline. He couldn't fit his trailer in without the extra room. Mr. Phelps stated it is a self-created hardship.

Ms. Covaleski stated a 30'x40' building was previously approved. The Ferrio's building is 28'x40'. The ZBA had approved 1,200 square feet without any real hardship.

Mr. Banaszak agreed this was self-created and could not see approving anything over 1,200 square feet.

Mr. Phelps stated Mr. Jacobs had agreed to 1,200 square feet the last time. Mr. Banaszak stated this proposed location is better than the other. Mr. Jacobs stated he tried to make the smaller size work but it doesn't.

A discussion took place on if this request is approved then Mr. Jacobs would be allowed to have two accessory buildings next to each other. Mr. Jacobs stated he only intends to build one. The other variances cannot be

rescinded.

Mr. Phelps moved to deny the petition filed by Gene Jacobs for vacant property (0901003810003499) on Killarney Beach Road which is on the West side of Killarney Beach for the purpose of a variance to permit an accessory building with no primary structure, a variance of 1,007 square feet to be 1,320 square feet (313 square feet is allowed), a variance of 2' to be 3' for a side yard setback (5' is required) and a rear yard variance of 5' to be 5' (10' is required) for a 30'x44' pole barn. Variances have already been approved for the adjacent parcel. There is no hardship. Ms. Covaleski seconded the motion. Four (4) ayes, no (0) nays. The motion passed.

The next item was a petition filed by Benjamin & Morgan Johnson for property at 3406 E. Midland Road which is on the South side of Midland Road for the purpose of a variance to allow a 6' solid fence on John Street side. Parcel is zoned Residential-3.

The Fire Marshal had no comment.

The Department of Water and Sewer takes no exception to the petition.

Jim Lillo from the Bay County Road Commission wrote they do not have any objection to the petition. From the information submitted, and Google Earth, the fence is to be located along the John Street road right-of-way and in line with an existing chain link fence to the east. The fence will be well off the roadway and not have an impact on BCRC maintenance activities.

Mr. Johnson explained they have a double lot with two front yards. They would like more privacy for their children and dogs. Their neighbor to the West has a similar fence.

A letter from Debbie and Chris Szafranski in favor of the request was received.

There was no one in the audience for or against the request.

Ms. Covaleski asked what type of fence would be put up. Mr. Johnson stated it would be a stockade fence. He would be doing it himself.

Ms. DeShano moved to approve the petition filed by Benjamin & Morgan Johnson for property at 3406 E. Midland Road which is on the South side of Midland Road for the purpose of a variance to allow a 6' solid fence on John Street side. The fence will be in line with the neighbors. The property has two front yards. Ms. Covaleski seconded the motion. Four (4) ayes, no (0) nays. The motion passed. The petition has six (6) months to pull a building permit or the variances are null and void.

The next item was a petition filed by Roy Campbell for property at 144 Little Killarney Beach which is on the East and West sides of Little Killarney for the purpose of a side yard variance of 3' to be 7' (10' is required); a height variance of 1' to be 21' (20' is allowed); variance for 2nd story (1-story is allowed); and a variance of 600 square feet to be 2,100 square feet for a detached accessory building (1,500 square feet is allowed). Parcel is zoned Residential.

The Fire Marshal had no comment.

The Department of Water and Sewer takes no exception to the petition.

Jim Lillo from the Bay County Road Commission wrote they do not have any comment on the petition. Little Killarney Beach Road is not under the jurisdiction of the BCRC.

Mr. Campbell explained the lot is 50' wide. He is proposing to build the pole barn in line with the location of the previous garage. That would allow enough room to drive behind it for parking.

Mr. Phelps asked where the new building would begin. Mr. Campbell stated it would be placed where the

previous garage had been and the accessory building would be 1,500 square feet with a 20'x30' pavilion on the rear. It would be a part of the building, a covered porch type.

Mr. Banaszak asked why the height was needed. Mr. Campbell stated they currently have a crawl space for storage. He would like attic trusses that give him 7 ½' of head room. He has spinal stenosis and can't bend over. He needs the square footage to store his boat, snowmobile, etc.

Carol Dwan of 142 Little Killarney Beach was in favor of the request. It will be an improvement.

Rob Nori of 146 Little Killarney Beach was in favor of the request.

There was no one in the audience against the request.

Mr. Phelps stated there was no hardship for the size or height. Ms. Covaleski added there are no buildings that large in the area. Ms. DeShano agreed. Mr. Banaszak commented he did not have an issue with the setbacks but the size did not fit in with the area.

Mr. Phelps stated 1,500 square feet is allowed. A discussion took place on the size and how a pavilion could still be attached.

Mr. Phelps moved to approve the petition filed by Roy Campbell for property at 144 Little Killarney Beach which is on the East and West sides of Little Killarney for the purpose of a side yard variance of 3' to be 7' (10' is required) for a pavilion. The lot is narrow. Ms. Covaleski seconded the motion. Four (4) ayes, no (0) nays. The motion passed. The petition has six (6) months to pull a building permit or the variances are null and void.

Mr. Phelps moved to deny the petition filed by Roy Campbell for property at 144 Little Killarney Beach which is on the East and West sides of Little Killarney for the purpose of a height variance of 1' to be 21' (20' is allowed); variance for 2nd story (1-story is allowed); and a variance of 600 square feet to be 2,100 square feet for a detached accessory building (1,500 square feet is allowed). Ms. DeShano seconded the motion. Four (4) ayes, no (0) nays. The motion passed.

The last item on the agenda was a petition filed by Oasis Wellness Center for property at 3915 Wilder Road which is on the North side of Wilder Road between State Park Drive and State Street Road for the purpose of a variance to add a third sign onto the back of the building. Parcel is zoned Commercial-2.

Ms. Covaleski excused herself from the hearing.

The Department of Water and Sewer takes no exception to the petition.

The Fire Marshal had no comment.

Jim Lillo from the Bay County Road Commission wrote they do not have any comment on the petition. Signage is under the jurisdiction of the Township.

Kevin Chang represented the request. He explained they are allowed two wall signs. They have one on the front of the building and one along Wilder Road. They also have a pylon sign. They would like an additional sign on the side by the entrance to Walmart. That access gets a lot of traffic. If someone is in the plaza exiting that way, they won't see their sign. Mr. Chang stated their customers won't see their sign if they are heading West on Wilder.

Mr. Phelps stated the sign wouldn't be seen on that side due to trees. The pylon sign is easily seen.

There was no one in the audience for or against the request.

Mr. Phelps commented they have never allowed three signs on one building. Mr. Banaszak agreed and stated

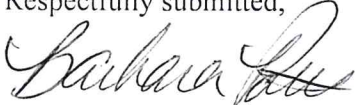
more signs would look tacky. They don't want the area cluttered with signage. Plus, there is no hardship.

Mr. Chang suggested they could modify their proposed sign. He would like to come to a compromise with the Board. They would like their customers to use the service road before going out onto Wilder Road if possible. The third sign would help their customers and the economy.

Mr. Phelps moved to deny the petition filed by Oasis Wellness Center for property at 3915 Wilder Road which is on the North side of Wilder Road between State Park Drive and State Street Road for the purpose of a variance to add a third sign onto the back of the building. Three signs have never been allowed. There is no hardship. Ms. DeShano seconded the motion. Four (4) ayes, no (0) nays. The motion passed.

Having no other business before the Board, Mr. Banaszak adjourned the meeting at 7:00 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator